

STARK & STARK

A Professional Corporation

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In Re:

Egly N. Valenzuela,

Debtor.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

CASE NO. 18-21302-VFP

CHAPTER 13

Hearing Date: August 2, 2018 @ 10:00 A.M

**OBJECTION TO CONFIRMATION
OF PROPOSED CHAPTER 13 PLAN**

I. PRELIMINARY STATEMENT

Green Knolls Condominium Association, Inc. (the “Association”) hereby files its objections to confirmation of Egly N. Valenzuela’s (the “Debtor”) proposed Chapter 13 Plan.

II. OBJECTIONS TO PLAN

The following are the Association’s specific objections:

1. Plan Filed in Bad Faith. The Plan was filed in bad faith pursuant 11 U.S.C. §1325(a)(3) because: (a) the Debtor failed to fully provide for the Association’s entire claim in the Plan; and (b) the Debtor has failed to pay her current post-petition payments for the month of July in the amount of \$409 per month plus a late charge in the amount of \$20, totaling \$429.00.

2. The Association, a Secured Creditor, Does Not Accept the Plan. The Plan violates 11 U.S.C. § 1325(a)(5) and §1322(b)(2). The Association, as a secured creditor, does not accept the Plan because it is not fully provided for in the Plan, which fails to set forth the regular monthly payment in the amount of \$409. The Association filed its secured proof of claim [No. 3] which is presumptively valid as no objection has been filed to same.

3. Plan is Not Feasible. The Plan is not feasible pursuant to 11 U.S.C. §1325(a)(6) because the Debtor significantly understates or does not list expenses and is unable to satisfy her post-petition obligations to the Association, no less cure the pre-petition arrears owed to the Association.

III. CONCLUSION

The above point headings articulate the deficiencies with the Debtor's Plan. For the above reasons, the Association does not consent to and hereby objects to confirmation of the Debtor's proposed plan.

Respectfully submitted,

STARK & STARK
A Professional Corporation
Attorneys for Green Knolls Condominium
Association, Inc.

By: /s/ Joseph H. Lemkin
Joseph H. Lemkin

Dated: July 23, 2018